

REMARKS

Claims 1-6 and 8-22 are all the claims pending in the application.

I. Summary of the Office Action

Claims 18 and 19 are rejected under 35 U.S.C. § 112, first paragraph. Claims 1-6 and 8-20 are rejected under 35 U.S.C. § 103.

II. Claims Rejected Under 35 U.S.C. § 112, first paragraph

Claim 18 is rejected under 35 U.S.C. § 112, first paragraph. Specifically, the Examiner contends that “the mobile data terminal **is configured to** connect to the WLAN access point and wherein the radiotelephone terminal **is not configured to** detect the signals broadcasted by the WLAN” is not described in the specification such as to enable one of ordinary skill in the art (see page 2 of the Office Action). Applicant respectfully disagrees. Applicant respectfully submits that the specification at least in exemplary embodiments supports the unique features of claim 18.

For example, paragraph 25 of the specification discloses that after the WLAN is detected, “the user knows, without effort, that an available WLAN can be accessed from his or hers present place and can connect straigh[t] away without any further checking”. Further, FIG. 1 of an exemplary embodiment discloses radio access point 5 of WLAN 2 in communication with mobile data terminal 3, the mobile data terminal 3 in turn is in communication with the radiotelephone terminal 4. Accordingly, the mobile data terminal 3, being in communication with the radio access point 5, may be configured to connect to the WLAN access point. The

radiotelephone terminal 4 which is not in communication with radio access point 5, may not be configured to detect the signals broadcasted by the WLAN. Thus, the claimed features of the mobile data terminal is configured to connect to the WLAN, and the radiotelephone terminal is not configured to detect the signals broadcasted by the WLAN is supported at least by paragraph 25 and FIG. 1 of the specification.

Thus, Applicant respectfully requests the Examiner to withdraw this rejection of claim 18.

III. Claim Rejections Under 35 U.S.C. § 112, second paragraph

Claim 19 is rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner contends that “wherein the mobile data terminal notifies the radiotelephone terminal that the WLAN is detected prior to attempting to connect to the detected WLAN” is unclear which applicant regards as the invention (see page 2-3 of the Office Action). Applicant respectfully disagrees.

Claim 19 clearly recites that the mobile data terminal, which detects the presence of an active access point of the WLAN, “notifies the radiotelephone terminal that the WLAN is detected” where the notification is performed by the mobile data terminal “prior to attempting to connect to the detected WLAN”. In other words, upon the mobile data terminal detecting an active access point of the WLAN, the mobile data terminal notifies the radiotelephone terminal that the WLAN is detected, and some time after sending the notification, the mobile data terminal attempts to connect to the detected WLAN. It will be appreciated that the foregoing

remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the allegedly unclear aspects of the claim.

Applicant respectfully submits that claim 19 as recited clearly and distinctly claims the subject matter which Applicant regards as the invention. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 19.

IV. Claims Rejected Under 35 U.S.C. § 103

Claims 1-6 and 8-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gunnarsson in view of U.S. Patent No. 6,959,207 to Keinonen (hereinafter “Keinonen”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Independent claims 1, 6, and 8 all include some variation a mobile data terminal detecting presence of WLAN and informing that access to the WLAN is possible (*i.e.*, that WLAN access is available) by sending a signal from the mobile data terminal to the radiotelephone terminal.

In response to Applicant’s arguments, the Examiner contends that Gunnarsson discloses the mobile data terminal detecting signals broadcast by the WLAN. In other words, the Examiner appear to take the position that since the mobile data terminal of Gunnarsson can detect WLAN signals when it accesses WLAN, this somehow meets the unique features of these independent claims (*see* page 4 of the Office Action).

Applicant respectfully submits that accessing WLAN by a data terminal, as disclosed in Gunnarsson does not disclose or suggest the data terminal detecting presence of the WLAN at least because when the data terminal attempts to access WLAN, presence was already determined and also because connecting to WLAN involved interchange of messages as opposed to simple detection of the existence of WLAN signals. On the contrary, with respect to the detection of the presence of the WLAN, Gunnarsson discloses that a user location is determined via a mobile terminal 60 (¶¶ 20 and 22) and the user location is then compared to the known location and extent of WLANs 20, e.g., from a database or other information resource within the communication network 10 (¶ 22). In short, Gunnarsson does not disclose or even remotely suggest detecting presence of WLAN by detecting signals broadcast by the WLAN. On the contrary, in Gunnarsson, the presence is detected by conventional techniques.

As acknowledged by the Examiner, Gunnarsson does not disclose or suggest the mobile data terminal informing of possible access to the WLAN by sending a signal to the radiotelephone terminal and instead relies on Keinonen to cure this deficiency of Gunnarsson. Keinonen does not cure the above-identified deficiency of Gunnarsson.

In addition, the Examiner acknowledges that Gunnarsson does not disclose or suggest informing of access to the WLAN by sending a signal from the mobile data terminal to the radiotelephone terminal. The Examiner, however, contends that Keinonen cures the above-identified deficiencies of Gunnarsson. In response to Applicant's arguments, the Examiner

alleges that col. 4, lines 20 to 42 of Keinonen disclose the above-identified unique features of the independent claim (*see page 5 of the Office Action*). Applicant respectfully disagrees.

Col. 4, lines 19 to 42 of Keinonen recite:

Various other network systems can also be supported in 3G, such as CDMA (Code Division Multiple Access), PDC (Personal Digital Communications), or CDMA2000. The mobile network 120 may also be WLAN (Wireless Local Area Network). The transmission may also be broadcast via DAB (Digital Audio Broadcasting) or DVB (Digital Video Broadcasting). Terminals 100, 110 may be linked to the mobile network 120 by communication links 115, 125, such as links that permit communications substantially in real time. In typical applications the notifying message is reciprocal, but a one-way link is also possible. One or both wireless terminals 100, 110 may additionally be linked via a short range communication link 130, such as a Bluetooth link, to a respective nearby external notification device 135, also having a short range transceiver, that can be used, as will be explained below, to receive the notifying message and notify a person regarding the activation (or manipulation) of a data object (electronic representation) associated with a user. Alternatively, a fixed terminal (not shown), such as a personal computer or a Web TV terminal may be used for communicating with other fixed terminals, or with mobile terminals 100, 110 over a wired and/or wireless network so that an activation of the data object on the fixed terminal causes a notifying message (notification) to be transmitted to another user.

As is visible from the above-quoted passage, nowhere does Keinonen discloses informing that access to WLAN is available. Although Keinonen discloses notifying messages may notify a person of activation of an electronic representation associated with the user or of an emotion associated with the user (col. 6, lines 10 to 36). In other words, in Keinonen, the data object is an electronically-represented data object, such as received email message, phonebook entry and

an avatar that the user associates with a particular person to whom he or she feel an affinity (Fig. 6; col. 1, lines 27 to 34). Keinonen does not disclose or even remotely suggest that the notification informs of an availability of access to the WLAN. In short, Keinonen does not cure the above-identified deficiencies of Gunnarsson.

In addition, there exists no motivation for one skilled in the art to combine the teachings of Gunnarsson with those of Keinonen.

As mentioned above, Gunnarsson discloses determining the position of user such that communication network 10 may notify mobile terminal 60 when mobile terminal 60 is within the coverage area serviced by WLAN 20, or when mobile terminal 60 is approaching such a coverage area. Gunnarsson also discloses that after mobile terminal 60 receives the notification message, the WLAN interface 72 of the wireless computing device 70 is enabled to establish wireless data communication with the WLAN 20. If the wireless computing device 70 were to notify the mobile terminal 60 that the wireless computing device 70 detects the WLAN 20, it could only do so after the mobile terminal 60 enables the WLAN interface 72 of the wireless computing device 70. At this point, since the mobile terminal 60 has already received a notification to inform the user that he or she may access the WLAN 20, there exists no motivation to send another redundant notification to the mobile terminal 60 from the wireless computing device 70.

Furthermore, one of ordinary skill in the art would not have and could not have combined the references in the manner suggested by the Examiner. The Examiner contends that one of

ordinary skill in the art would have been motivated to incorporate the sending of notifications so that information may be conveyed over a Bluetooth or PWAN link (*see* pages 7-8 of the Office Action). The Examiner merely describes what may occur if Keinonen and Gunnarsson were combined, but fails to address why one skilled in the art would be motivated to combine these references. This reasoning does not provide the necessary motivation.

As noted above, independent claims 1, 6, and 8 all include some variation of a mobile data terminal detecting availability of WLAN by the signals broadcast by the WLAN and informing of possible access to the WLAN by sending a signal from the mobile data terminal to the radiotelephone terminal. Accordingly, Applicant respectfully submits that independent claims 1, 6, and 8 are patentable over the applied references for at least the above given reasons.

Claims 2-5 and 9-20 depend from independent claims 1, 6, or 8. Accordingly, Applicant respectfully submits that claims 2-5 and 9-20 are patentable over the applied references at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
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